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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,208	05/24/2001	Joe P. Matthews	0325.00481	3900
21363	7590	10/04/2004	EXAMINER	
CHRISTOPHER P. MAIORANA, P.C.			AHN, SAM K	
24840 HARPER			ART UNIT	
ST. CLAIR SHORES, MI 48080			PAPER NUMBER	
			2637	

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/865,208	<b>Applicant(s)</b> MATTHEWS ET AL.	
	<b>Examiner</b> Sam K. Ahn	<b>Art Unit</b> 2637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2001.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 7, 8, 13-16, 18 and 19 is/are allowed.
- 6) ☒ Claim(s) 6, 9-12 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>022702</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. For the formality of the application under the present office practice, applicant(s) is required to replace "Claims" with "I or We Claim", "The Invention Claimed Is" (or the equivalent) before the Claims part of the specification of the instant application. See MPEP 608.01(m).

### ***Claim Objections***

2. Claims 9-11 are objected to because of the following informalities:

In claim 9, lines 3-4, delete "a receive clock and a reference clock" and insert "the receive clock signal and the reference clock signal".

In claim 9, line 10, delete "a read signal" and insert "said read signal".

In claim 9, line 10, delete "the selected" and insert "a selected".

In claim 9, line 11, delete "a window" and insert "said window".

In claim 9, line 11, delete "counts in the" and insert "counts in a".

In claim 10, line 6, delete "domain" and insert "domain circuit".

In claim 10, line 8, delete "said write" and insert "said window".

Claim 11 directly depends on claim 9. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6,9-12 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claims 6 and 9, lines 2 and 13, respectively, recite "said third circuit comprises a range control circuit". However, according to Fig.2 and the specification, the third circuit (130) comprises of circuits of 180,182 and 184. And further, the specification describes 100 as the range control circuit. Therefore, it appears that the range control circuit comprises the third circuit, rather than the other way around. Claim 10, line 9, further refers to the range control circuit.
- b. Claim 9 recites the limitation "the channel selected clock signal" in line 14. Claim 10 recites the limitation "said select signal" in line 3. There is insufficient antecedent basis for these limitations in the claims.
- c. Claim 12 recites all the elements as shown in Fig.2. And further, claim 12, lines 10-12 recites "means for providing independent range control". It appears from claim 1 that receive clock signal and reference clock signal by means of the three means provides independent range control. Therefore, it is unclear and indefinite as to which element "means for providing independent range control" is being referred to.
- d. Claim 17 recites "determining..." with a condition, however, without reciting what is actually determined, and therefore it is unclear and indefinite.
- e. Claim 11 directly depends on claim 9.

***Allowable Subject Matter***

4. Claims 1-5,7,8,13-16,18 and 19 allowed.
5. Claims 6,12 and 17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
6. Claims 9-11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims, and overcome the claim objections.
7. The following is a statement of reasons for the indication of allowable subject matter:  
  
Present application discloses a range roving circuit wherein the circuitry controls clocks without a requirement for phase and/or frequency relationships between any of the clocks. Applicants recite an apparatus and a method comprising first, second and third circuit. Closest prior art, Miller et al. teach wherein the apparatus synchronizes regardless of the frequency and phase of the clock. However, Miller et al. do not teach all the limitations claimed including the all the elements of first, second and third circuit. Therefore, prior art viewed solely or in combination do not teach or suggest all the limitations claimed.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Appelbaum et al. teach clock production for a microcomputer comparing the phase differences with a reference clock.

Haulin et al. teach a bit synchronizer in a receiver comprising a phase comparator.

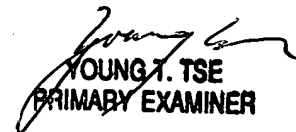
Chen teaches clock generator in a data system producing a read and write clock signals for a memory module.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Ahn whose telephone number is (571) 272-3044. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sam K. Ahn  
9/30/04

  
YOUNG T. TSE  
PRIMARY EXAMINER